

# **DRAFT ENVIRONMENTAL ASSESSMENT JOINER COULEE ACCESS EASEMENT**

PHILLIPS COUNTY  
January 6, 2016  
Montana Fish, Wildlife & Parks  
Region 6 – Glasgow



***Montana Fish,  
Wildlife & Parks***

## **I. INTRODUCTION**

Montana Fish, Wildlife and Parks (FWP) recognizes that public access to wildlife habitat is an important component of a quality recreational hunting experience and essential to wildlife population management. The Joiner Coulee Easement represents an opportunity for FWP to work cooperatively with a private landowner to secure permanent public access across private lands so that hunters and other recreationists can travel to land owned and managed by the Bureau of Land Management (BLM) and Montana Department of Natural Resources and Conservation (DNRC).

## **II. DESCRIPTION OF PROPOSED ACTION**

Montana Fish, Wildlife and Parks proposes to purchase a 30-foot wide permanent road easement which would allow the public to cross approximately one-mile of private land in northern Phillips County. The road easement would be granted by Wetlands America Trust Inc., a division of Ducks Unlimited (DU), and the easement would be held by FWP. It is the intention of FWP that the road easement would eventually be granted to the Bureau of Land Management (BLM). The BLM administers the public land the easement would immediately serve. In the event that the BLM would reject the road easement, the easements-would remain held by FWP.

The proposed easement road has been used predominately by the hunting public to access BLM and DNRC lands adjacent to the Cottonwood Creek drainage through private land enrolled in the FWP Block Management Program since 2004. DU purchased the property in 2012 as a part of their revolving lands project and has kept the property in Block Management. DU has held in their ownership while habitat and access protections are pursued, after which the property will be sold. This creates uncertainty whether public access across the property will be maintained into the future without the proposed easement.

The road easement will secure motorized access to the Cottonwood Cr. drainage through an approximately one-mile of private road between a portion of the Phillips County Road and BLM. The BLM portion the road is currently designated as open year-round. The area is relatively flat, and minor work is needed to maintain the integrity of the existing road. Other vehicle access to the BLM portion of this road is only possible by crossing sections of private land in a network of roads coming off the Black Coulee Road approximately 3 miles to the Northwest.

The road is well established consisting of dirt and native rock, with a relatively flat grade. The road crosses on a small dike that impounds livestock water. Typical use has been and would continue to be with 2-wheel drive vehicles during dry conditions and 4-wheel drive following precipitation. It is anticipated that maintenance would be fairly infrequent and relatively light-duty, consisting primarily of smoothing with a blade. Signage and the installation of gate closures are the only additional planned management activities.

The value of the road easement is estimated to be \$30,000 which is a negotiated amount based on similar access easement transactions completed by FWP. DU is willing to donate \$10,000 thus FWP would be paying DU \$20,000 for the access easement.

### **III. AUTHORITY AND DIRECTION**

The Access Public Lands program is funded by hunting license revenues and allows FWP to work with private landowners on a voluntary, cooperative basis to secure public access across private property (Section 87-1-265 Montana Code Annotated (MCA)). Additional authority for FWP to acquire interests in land is provided by Section 87-1-209, MCA.

### **IV. LOCATION OF PROJECT**

The access project is located approximately 16 miles north of Dodson (T33N R27E eastern edge of Section 8). The proposed easement is shown in the attached map on page 7.

### **V. PURPOSE, BENEFITS AND NEED FOR THE PROPOSED ACTION**

The purpose of the proposed action is to secure permanent legal public access to public land in the Cottonwood Cr. drainage of Phillips County. Such access will benefit the public by providing opportunities for upland bird hunting, big game hunting, wildlife viewing, and other outdoor recreational pursuits in mixed grass and sagebrush grassland habitat of northeast Montana. The proposed action is needed to maintain current access to a portion of the Cottonwood Creek drainage.

### **VI. DESCRIPTION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED ACTION**

#### **1. No-Action Alternative**

Under the no-action alternative, FWP would not pursue acquisition of the Joiner Coulee Access Easement. The public would rely on FWP to secure annual Block Management Agreements to utilize the described private road during hunting seasons only.

### **VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT**

#### **1. Land Resources**

Impact of Proposed Action: There would be minimal impact on land resources because the Joiner Coulee road already exist. The proposed easement would be incorporated into existing access alternatives available to the public. The BLM has indicated it will maintain the primitive character of the roads and maintain them only to prevent resource damage. Public use would be expected to be in line with historic use levels.

No Action Alternative: There would be minimal impact on land resources because the Joiner Coulee road already exist and is being used by the public through the Block Management Program.

#### **2. Air Resources**

Impact of Proposed Action: There would be no impact as historic levels of road use and resultant road dust are anticipated to continue.

No Action Alternative: There would be no impact.

### **3. Water Resources**

Impact of Proposed Action: No adverse impacts to water resources are anticipated. The proposed road easement continues use of existing roads.

No Action Alternative: There would be no impact.

### **4. Vegetation Resources**

Impact of Proposed Action: There would be minimal impact to vegetation resources as the proposed easement roads already exist. Intermittent infestations of spotted knapweed occur in the area, and there is potential for infestation of new invasive or noxious weeds.

No Action Alternative: There would be no impact.

### **5. Fish and Wildlife Resources**

Threatened and Endangered (T&E) Species known to exist within Phillips county include black-footed ferret, least tern, whooping crane and pallid sturgeon. No observations or distribution of these T&E species occurs on or near the proposed project site. A candidate species who's distribution is known to occur on the project area is the Sprague's pipit.

Species of Concern under Montana Status who's distribution is expected to occur in the project area (T33N R27E) according to the Montana Natural Heritage Program include burrowing owl, chest-nut collared longspur, common loon, ferruginous hawk, golden eagle, greater sage grouse, horned grebe, loggerhead shrike, McGown's longspur, Sprague's pipit, swift fox, and pearl dace.

This area is important to a number of the species listed above due to the presence of native and introduced grasslands that surrounds the road. The USFWS holds a grassland easement on the lands the proposed road easement occurs on, which protects those grasslands in perpetuity important to the grassland reliant species.

Impact of Proposed Action:

The proposed action includes maintaining an existing road for perpetual public access. Minimal enhancements are expected to occur into the future, which would be restricted to the proposed 30ft wide easement. Due to the road bisecting grassland habitat, the species of concern listed above occur on the project area. However there is expected to be minimal impact to those species due to the proposed easement maintaining the road as it currently is and has been for many years. In the event that any enhancements are to occur in the future, FWP would recommend measures to avoid and minimize impacts to natural grasslands within the easement.

Regarding other wildlife species known to occur on the project area, there would be a positive impact on access to wildlife resources for the purpose of hunting and wildlife management; as

the project would guarantee public access on a perpetual basis. Mule deer, antelope, and upland birds are the most abundant species in the Cottonwood Cr. drainage. During years of high densities of large ungulates, this access would be important for the purpose of wildlife management.

No Action Alternative: There would be no additional impact to fish and wildlife resources.

## **VIII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT**

### **1. Noise/Electrical Effects**

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no impact.

### **2. Land Use**

Impact of Proposed Action: Land use would be expected to be similar to existing levels due to the road being used by hunters utilizing the Block Management Program and neighboring landowners.

No Action Alternative: There would be no impact.

### **3. Risk/Health Hazards**

Impact of Proposed Action: There is inherent risk associated with driving on rural, unimproved roads. The proposed action would generally continue the historic use.

No Action Alternative: There would be no change from current conditions.

### **4. Community Impacts**

Impact of Proposed Action: There would be a positive impact by maintaining public access in the fall; while securing year-round access for wildlife viewing. Access to BLM by neighboring ranchers and grazing allotment holders would also be secured, as well as land management agencies to those lands they manage.

No Action Alternative: There would be no change from current conditions.

### **5. Public Services/Taxes/Utilities**

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no impact.

### **6. Aesthetics/Recreation**

Impact of Proposed Action: The proposed easement will secure permanent recreational access to additional portions of the Cottonwood Cr. drainage not accessible by alternate routes. This will have a positive impact on recreational opportunity in the long term.

No Action Alternative: There would be no change from current conditions. If the easement is

not acquired, public access would be allowed by landowner permission and/or FWP securing annual Block Management Agreements. There would be uncertain opportunity in the future to participate in hunting opportunities in the area the easement road would serve. Existing vehicle access to the general area would be provided from the Black Coulee Road, 3 miles to the Northwest but would require crossing portions of private land.

## **7. Cultural/Historic Resources**

Impact of Proposed Action: Limited ground-disturbing activities will occur on the proposed Easement and would occur on previously disturbed areas. A cultural survey has occurred on the site and the potential for cultural materials in this area is low. The recommendation is during any construction activities, buried cultural resources are uncovered, ground-disturbing activities must immediately stop and the Montana State Historical Preservation Office (SHPO) should be contacted.

No Action Alternative: There would be no impact.

## **IX. SUMMARY EVALUATION OF SIGNIFICANCE**

The proposed action of acquiring permanent road easements on a one-mile road segment will have no negative environmental effect on a short-term, long-term, or cumulative basis. Road use and conditions are anticipated to stay at current use levels.

## **X. EVALUATION OF NEED FOR AN EIS**

This environmental assessment (EA) has not identified any significant positive or negative impacts from the proposed action, so an environmental impact statement (EIS) is not required. The EA is the appropriate level of review.

## **XI. PREFERRED ALTERNATIVE AND PUBLIC INVOLVEMENT**

FWP's preferred alternative is to implement the proposed action as described in Section II of this EA. Public comment will be taken for 30 days from January 6, 2016 through February 5, 2016.

Comments may be delivered by email, mail, phone, fax, or in person to:  
Montana Fish, Wildlife & Parks  
Attn: Joiner Coulee Easement Comments  
1 Airport Road  
Glasgow, MT 59230

Email: [katsmith@mt.gov](mailto:katsmith@mt.gov)

Fax: 406-228-8161

Phone: 406-228-3700

## **XII. DECISION-MAKING PROCESS**

Within two weeks of the close of the public comment period, the Regional Supervisor of FWP Region 6 (Glasgow) will evaluate the comments and prepare a Decision Notice that reviews and responds to public comments and indicates whether or not FWP should proceed with the proposed action. The Decision Notice will be provided to all persons who commented on the proposal and will be published on the FWP website at <http://fwp.mt.gov/news/publicnotices>. If the Regional Supervisor's Decision notice calls for proceeding with the proposed action, the Joiner Coulee Road Easement would then be scheduled for final consideration at the next regularly scheduled monthly meeting of the Montana Fish and Wildlife Commission. The Commission is the final State decision-making body on this proposal.

## **XIII. CONTACT INFORMATION FOR PERSONS PREPARING THIS EA**

Scott Thompson, Wildlife Biologist, PO Box 447, Malta, MT 59538

Phone: 406-654-1671; Email: [sthompson@itstriangle.com](mailto:sthompson@itstriangle.com)

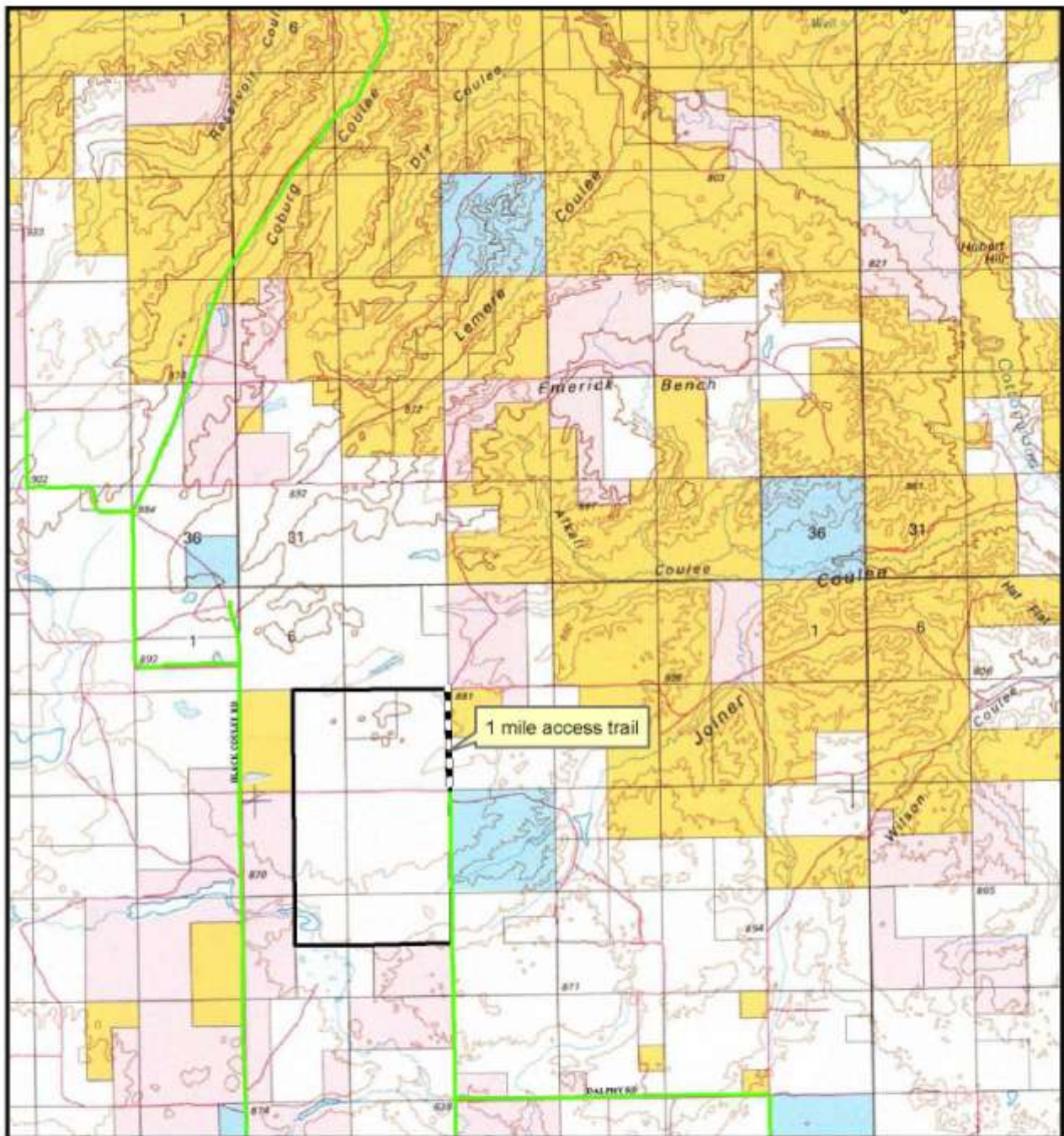
Tim Potter, Region 6 Access Coordinator, 54079 US Hwy 2 W, Glasgow, MT 59230

Phone: 406-228-2708; Email: [tpotter@mt.gov](mailto:tpotter@mt.gov)

## **XIV. OTHER GROUPS OR AGENCIES CONTACTED OR WHICH MAY HAVE OVERLAPPING JURISDICTION**

Bureau of Land Management, Malta Field Office, 501 South 2<sup>nd</sup> St. E., Malta, MT 59538

US Fish and Wildlife Service, Bowdoin National Wildlife Refuge, 194 Bowdoin Auto Tour Rd., Malta, MT 59538



<p><b>Map Legend</b></p> <p>  Access Trail          Ranch Boundary       </p> <p>  Road       </p> <p> </p> <p> </p>	<p><b>Joiner Coulee</b> <b>Access Public Lands Project</b></p> <p><b>Notice: This map is for APL purposes only. Roads and Land Ownership outside of APL project area MAY NOT be accurately represented.</b></p>	<p>Created By: <b>HAEP</b></p>
		<p><b>Region 6</b> <b>Montana Fish, Wildlife &amp; Parks</b> <b>HAEP</b></p> <p>Date: <b>April, 16th 2013</b></p>